

EXHIBIT 1

This document was provided to me at the 11-14-96 meeting with Calif + Arizona representatives only present. Brad Gates distributed.



Forde and Mollrich

TO: Brad Gates

FROM: Stu Mollrich

DATE: November 11, 1996

RE: Action Items for 11/14 Washington Conference

1. Legal Action Against Propositions 215 and 200

- Private lawsuits against these initiatives should be filed unless the federal government takes immediate action.
- The same lawyers should handle both cases, if possible. This will save a great deal of money since many of the same legal issues arise in both cases.
- Funding for these cases can be provided by foundations. Each case will likely cost between \$35,000 and \$250,000 depending on the number of appeals and other factors.

2. Legislative Strategy Against Proposition 215 and 200

- Determine the powers of the federal government to preempt 215 and 200.
- Have law enforcement organizations in each state work with the federal government to implement the strategy.

3. Form "The National Campaign Against Legalizing Drugs"

- A new political force is needed to fight Soros and his associates. It must be national and on-going. We cannot expect anti-drug activists in each state to stand alone in these political battles. It did not work in California and Arizona. It will not work in Florida, Michigan, Oregon or other initiative states.
- The Drug Policy Foundation is forming a new national organization, "Americans for Medical Rights" to "medicalize" illegal drugs in other states.

Organization Purposes

- Organize law enforcement foundations, political leaders, business leaders, community organizations and anti-drug groups into a permanent coalition to fight drug legalization.

(12)

11/14/96 Meeting of Federal, State & Local Government representatives
Confirmed Attendee List - (as of 12:30pm 11/14/96)

Federal

Barry McCaffrey	ONDCP
Ricia McMahon	ONDCP(Office of CoS)
Patricia Seitz	ONDCP(OLC)
Bob Sloane	ONDCP(Public Affairs)
Thomas Constantine	DEA
David Lutweiler	DEA
Catherine Shaw	DEA
John Emerson	WH IGA, Deputy Director
Christa Robinson	WH DPC
Jon Schwartz	DOJ
Nicholas Gess	DOJ
Janice Innis-Thompson	DOJ
Peggy Grove	DOJ
Joe Graupensperger	DOJ
Bill Corr	HHS
Renee Landers	HHS(GC)
Dr. Franklin Sullivan	HHS/SAMHSA
Dr. Don Goldstone	HHS/SAMHSA
Bill Modjeleski	Education
Ken Edgell	Transportation
Susan Ginsburg	Treasury
Dr. Karen Hein	NAS/IOM, Exec. Officer
Dr. Constance Pechura	NAS/IOM, Director, Neuroscience & Behavior Health
Carolyn Fulco	NAS/IOM, Neuroscience & Behavior Health
Catharyn Liverman	NAS/IOM, Neuroscience & Behavior Health

Congressional

Pat Murphy	Sen. Hatch's Office
Chris Putala	Sen. Biden's Office
Tom Alexander	Sen. Kyl's Office
Neil Quinter	Sen. Feinstein's Office

State - Arizona

Richard Romley	Maricopa County DA (AZ delegation lead)
Barnett Lotstein	Special Assistant, Maricopa County Attorney Office
Gary Butler	Navaho County Sheriff
Alex Romero	Arizona Drug Watch
Barbara Zugor	TSAC - Executive Director
Ralph Ogden	Yuma County Sheriff, President, AZ Sheriff Assoc.

**11/14/96 Meeting of Federal, State & Local Government representatives Confirmed
Attendee List - Page 2**

State - California

Bob Ellsberg	California Peace Officers Assoc.
Tom Gade	Special Assistant to the AG
Brad Gates	Orange County Sheriff
John Gordiner	Attorney General's Office(CA delegation lead)
Tom Gorman	California Narcotics Officers Assoc.
George Kennedy	California District Attorneys Assoc. (Santa Clara DA)
Bill Stern	California Chiefs of Police Assoc. (Seal Beach PD)
Jim Thomas	California Sheriffs Assoc. (Sheriff, Santa Barbara County)
Less Weidman	California Sheriffs Assoc. (Sheriff, Stanislaus County)

Public Interest Groups

Richard Bonnette	President, Partnership for a Drug Free America
Mike Townsend	Exec.VP, DPFA
Alvah Chapman	Founding President, CADCA(Former publisher Miami Herald)
Marni Vliet	CADCA, President
Jim Copple	CADCA, Executive Director
Margaret Garikes	American Medical Association
Kimberly Jennings	CASA
Kevin McAnaney	CASA Pro Bono Attorney (Dewey, Ballentine)

Senators Hatch, Biden, Kyl and Feinstein's office. See attachment 1 for the agenda of this meeting as prepared by ONDCP. See attachment 2 for the working document which the federal agencies had prepared prior to the meeting suggesting action and time frames.

The following is a summary of presentations made by some speakers at the ONDCP meeting:

General McCaffery

Opened up the meeting by stating that he wanted to watch and see what happens as a result of the passage of Arizona and California's Propositions. He inferred that by waiting approximately one year we could sort through and think through the issues. The federal government will support federal law to protect the process by which drugs are made medicine in the Nation. President Clinton will be presented with options by Donna Shalala and General McCaffery. General McCaffery stated that it was a national issue. General McCaffery did not think that the passage of these Propositions would result in seeing kids start massively using of drugs, nor did he believe that doctors would start recommending pot for illnesses.

DEA Administrator Tom Constantine

Constantine felt that Congressional Hearings are valuable and that we may want to have Hearings in California to air the issues. DEA will use the federal Grand Jury and prosecute the major suppliers of marijuana and remove doctor's licenses where appropriate. The removal of a doctor's license may be a deterrent. DEA will look at how it spends its funds when State's do foolish things.

Brad Gates [spoke for the California Law Enforcement Component]

Sheriff Gates stated that a National organization, non-profit, needed to be form to educate the public. We supported the legitimate research for marijuana as a medicine and that perhaps the federal government could fund and undertake the project. California needed to know the United States Attorneys thresholds for what they will prosecute as far as marijuana violations. Sheriff Gates asked if the federal government will continue to fund the HIDA's and Marijuana Eradication in California and requested a partnership between federal, state and local government.

Tom Gade [Special Assistant to Dan Lungren]

Gade indicated reasons why the federal government has standing to intervene and file a law suit in federal court to invalidate parts of the California law that conflict with federal law. He indicated that there was a sense of urgency because we need guidelines for law enforcement, the public and doctors. He requested a memo from the federal government [DEA] to allow us to seize marijuana for them and perhaps cross designate attorneys and some peace officers. Lastly that CADFY should educate the public on the law.

Jim Copple [CADCA, Executive Director]

They have 4,000 members and are privately funded. He stated that we should first get people to understand the new problems before government takes any action to prevent a backlash. General McCaffery agreed.

Richard Bonnette [President, Partnership for a Drug Free America]

He stated that we lost the battle and now we did to reorganize. We should learn from our mistakes and move forward through education. The drug czar wants to put more money into drug education.

Representative for Donna Shalala

The representative stated that they needed to sort through a wide variety of options available and do it quickly. The Proposition undercuts the message we need to get to our kids. A suit in federal court by the federal government is novel. If we decide to we need to determine where we will file. We will also look at FDA action, cross deputization and thresholds for prosecuting in federal court.

Summations:

David Lutweiller [Deputy Administrator DEA], DEA Administrator was absent at this point.

Usually when DEA goes after a doctor's license, the State proceeded first and made the case, and then DEA came in afterwards. They need to look at this area further. DEA can not respond to all of the State's marijuana cases due to lack of resources. DEA will not change their strategy and therefore won't change resource allocation. Also, the US Attorneys have their limits as to how many cases they can prosecute. He's not sure what will happen to the federal government's contributions to such areas as HIDA's and Marijuana Eradication. He stated that there was a lot to think about, but it would be done quickly.

General McCaffery:

The Propositions in Arizona and California created a great dilemma through misinformation to the public. He doesn't want federal government to lead on the State and federal issues. Federal laws have not changed, only local ones. General McCaffery wants the State to proceed and not wait for a coordinated action. General McCaffery will be the central point of contact representing the federal government and the date of December 5, 1996, will be used as the next milestone as to what the federal government has been able to do.

but we need Fed govt support.

We need guidance from Fed govt. On liability issue. We want a memo from DEA protecting us when we seize contraband on their behalf.

Anticipates cottage industry for forged prescriptions on/over Mex border. Hope we aren't going to "live" with this new law.

Ogden New situation very confusing, but AZ will remain aggressive enforcement Posture. Need clarification from Fed govt. HIDTA may be compromised. Do we have to provide medical marijuana to prisoners? Lawsuits will certainly arise from our enforcement. Will officers be protected?

No way to gauge intox level with MJ. Whole situation unfair to our citizens, as we can't tell them just what they can or can't do.

Romley Even though CA & AZ are different props, the strategy of proponents is the same. It will expand throughout the nation if we all don't react.

Gates Message of national strategy is compromised. Wants congressional hearings.

Pat asks about action on state legislative side.

Romley Our law allows for a change, because less than 50% of eligible voters voted. We are aggressively promoting a special session to change the measure.

Pat - how can we help?

Romley Get high level officials out to AZ to support the call for a special session. It will take political will.

Romero New law further complicated by older AZ licensing law.

Gede Our legislature can't pass a law to change. Can only happen by another initiative.

Romley Education is the key here. Maybe CADCA could fund a new initiative.

(Sloane - unintelligible comment)

Gede In addition to fear of tort liability from seizing medical MJ, our officers fear suit if they don't seize MJ that later is proximate cause of actionable harm.

(someone asked if AZ gov can sue)

Romley He thinks he can; others in legislature do not agree.

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(Someone asks how can Dr's get MJ to prescribe?

DEA They can't. DEA registers Sched II-V only. Also, you have all asked good Q's that I just don't have the answer to.

Wants to get a US Atty meeting together ASAP to resolve issues on enforcement policy.

DEA normally doesn't act against Doc's until the state board disciplines

Romley But state med board normally won't act until DEA acts. We have catch 22.

Need resolution of Federal law regarding seizure of contraband.

DEA Taking all state cases into Fed system as way around 215/200 would grind Fed system to a halt. Not enough resources.

Break

General Glad to be back. Had opportunity to talk to AG, she is with us.

Romley What about FDA's role. Are they going to participate in this process?

AZ will lose drug courts. Having MJ alluded to as medicine solidifies positive conflict.

General FDA must go slow on this. MJ remains a Sched I drug, period. States can't supersede CSA.

Marni These initiatives have brought issue back up on the radar. CADCA remains very much opposed.

Copple Must protect other 48 states, and rollback in CA & AZ. Have launched re-education campaign in 27 states which are potential next targets. "Say it Straight" is the title of the first effort, using video downlink from Nat Guard.

Did not expect onslaught of money & effort by pro-215/200 forces in CA/AZ. No funds available in time to separate compassion from legislation.

CASA, CADCA and RWJ Foundation have \$\$ & expertise to respond now, and will. We are taking it very seriously.

McAnamey RWJ Foundation has funded CASA study showing voters didn't know what they were really voting for.

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Biden rep Can't defeat use of terminally ill by pro-MJ forces. it's a winning political issue.

Copple We need to retool how we address this issue. Must separate compassion for terminally ill from larger policy issue.

General Jim is right, medicine is the easy answer. Problem is for NIDA/AMA to decide. If MJ is medicine, no problem. If its not, then no further discussion of medical issue.

Biden rep. What if med evidence shows no medical use for terminally ill, but people believe it works?

Romley Must educate and show the lies put forth by the proponents.

Jellineck Other side would be salivating if they could hear prospect of Feds going against the will of the people. It is a political problem. You need a Federal response but can't be viewed as outside interference.

General Agrees with above, but Feds have simple task. We will enforce Fed law.

Gede Reminds us of legislative history in CA. Must resolve terminally ill problem before we proceed.

Gorman Day after election, media turned to us and asked, how could you have allowed this to happen. They have woken up.

Romley Legislative solution can't succeed w/o political solution.

Bonnette We lost first round of communications battle. No coordinated plan.

Must agree on overall coordinated strategy, considering medical/law enf/treatment issues. We learned a lesson in CA.

The Federal agencies represented at the meeting were given the opportunity to summarize their positions.

HHS - Interested in increased consultation with the State and local governments and the public interest groups. Because the initiatives undercut the drug strategy, recommended acting quickly.

DEA - Very interested in the tort issue and sympathetic to the concerns of the officers in the field. Commented on the role DEA plays in the licensing of M.D.s. Indicated DEA doesn't intend to change its enforcement strategy.

DOJ - Referred to the difficulties of bringing a §903 action. Concerned that CA and AR

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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF NATIONAL DRUG CONTROL POLICY
Washington, D.C. 20503

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December 30, 1996

HIGHLIGHTED PASSAGES - ADDED - TO FINAL DRAFT.

STATEMENT RELEASED BY BARRY R. McCAFFREY
DIRECTOR OF THE OFFICE OF NATIONAL DRUG CONTROL POLICY

THE ADMINISTRATION'S RESPONSE TO THE PASSAGE OF CALIFORNIA
PROPOSITION 215 AND ARIZONA PROPOSITION 200.

General: The recent passage of propositions which make dangerous drugs more available in California and Arizona poses a threat to the National Drug Control Strategy goal of reducing drug abuse in the United States. At the direction of the President, the Office of National Drug Control Policy developed a coordinated administration strategy with the other agencies of the Federal Government to minimize the tragedy of drug abuse in America.

2. Objectives: An interagency working group chaired by ONDCP included the Departments of Justice, Treasury, Defense, Health and Human Services, Transportation, and Education, the Postal Service, and the Nuclear Regulatory Commission. This group met four times in November and December. It developed the following strategic objectives for our coordinated Federal response:

- a. Maintain effective enforcement efforts within the framework created by the Federal Controlled Substances Act and the Food, Drug, and Cosmetic Act.
- b. Ensure the integrity of the medical-scientific process by which substances are approved as safe and effective medicines.
- c. Preserve Federal drug-free workplace and safety programs.
- d. Protect children from increased marijuana availability and use.

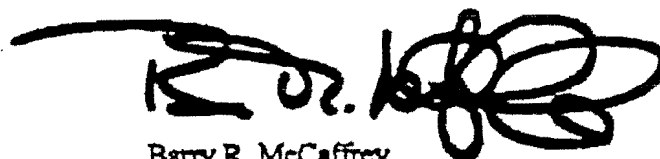
3. Courses of Action: In developing this strategy, the inter-agency group gave due consideration to two key principles: federal authority *vis a vis* that of the states, and the requirement to ensure American citizens are provided safe and effective medicine. ONDCP and Federal drug control agencies have formed a partnership to undertake the following coordinated courses of action.

- ED will review with educators in Arizona and California the effect Propositions 200 and 215 will have on drug use by students. They will also communicate nationally with school superintendents, administrators, principals, boards of education, and PTAs about the Arizona and California Propositions and the implications for their states.
- ED will develop a model policy to confront "medical marijuana" use in schools and outline actions educators can take to prevent illicit drugs from coming into schools.
- ED will develop model drug prevention programs to discourage marijuana use. These models will be disseminated to the states at a Spring 1997 conference.
- ONDCP and DOT will provide recommendations pursuant to your October 19, 1996 directive to deter teen drug use and drugged driving through pre-license drug testing, strengthened law enforcement and other means. The recommendations will underscore the point that the use of marijuana for any reason endangers the health and safety of the public.

5. Legislative Enactments: HHS and DOJ will work with Congress to consider changes to the Federal Food, Drug, and Cosmetic Act and the Controlled Substances Act, as appropriate, to limit the states' ability to rely on these and similar medical use provisions. The Administration believes that working with Congress is the course of action that will affirm the national policy to control substances that have a high potential for abuse and no accepted medical use. The objective is to provide a uniform policy which preserves the integrity of the medical-scientific process by which substances are approved as safe and effective medicines. We will also continue to consider additional steps, including conditioning Federal funds on compliance with the Controlled Substances Act and the National Drug Control Strategy.

6. Recommendation: That the President approve the actions and recommendations provided in this strategy to send a clear message to the legalization movement that we will continue to enforce Federal law and work to prevent similar Propositions from passing in other states.

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Barry R. McCaffrey
Director

POTUS Approval: _____